IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1698 OF 2007
IN
C.R.NO.67 OF 2007

Shri.Vinod Ramchandra Sakpal ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr. P.G.Sawant advocate for applicant
Mr. S.R.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 06, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking anticipatory bail in C.R.No. 67 of 2007 of Bhoiwada Police Station. The said case is mainly under Section 326 of IPC.

3. It is the case of the prosecution that the applicant owed some money to the complainant. On 25.2.207, a dispute arose between the complainant Smt.Renuka aged 54 years and the applicant. The dispute arose between them on account of arrears of

rent due from the applicant. At that time, the applicant suddenly took out a knife and inflicted blows with the knife on the complainant. I have perused the injury certificate. There are two incised wounds, one is on the neck of the complainant which is 7 cm x 1 cm x 1 cm and the second is on the shoulder (pectoral area) which is 4 cm x 0.5 cm x 0.5 cm. The first injury is on the vital part of the body i.e. on neck and the injury is 7 cm. long and the depth of injury is 1 cm. The complainant has clearly stated the name and act of the applicant in the F.I.R.

4. The learned advocate for the applicant has submitted that statements of witnesses have been recorded and the investigation in the present case is over. Hence, no purpose would be achieved by taking the applicant into custody. The learned A.P.P. has stated that the knife with which the applicant had assaulted the complainant, is yet to be recovered. On the other hand, the learned advocate for the applicant has submitted that the applicant had been directed to report to the concerned police station and he has been cooperating with the investigation and hence, now

it is not necessary to take the applicant into custody. The Apex Court has observed in the decision of **Directorate of Enforcement Vs.P.V.Prabhakar Rao reported in 1997 SCC (Cri.) 978** that when the material gathered by the prosecution is such as to point out an accusing finger towards the accused, it is not a fit case to grant anticipatory bail. In this view of the matter, I am not inclined to grant anticipatory bail.

5. Application is rejected.

[Smt.V.K.Tahilramani, J.]